



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Rezoning

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

ZB 3-1-00 Mark Landau, petitioner/Thanh Pham, owner - Address: 5000 SW 82nd Avenue/ Generally located on the east side of SW 82nd Avenue approximately 2000 feet south of Griffin Road.

**REPORT IN BRIEF:**

The subject site is currently zoned CF, Community Facilities District and is restricted to use as a church and related uses only. However, the existing owner (Vietnamese Buddhist Cultural Center) does not intend to build on this site and has contracted to sell the property to the owner of the existing Madison Lakes Townhome development directly to the south. Therefore, the purpose of this request is to rezone the subject site in order to expand the approved Madison Lakes Townhome development.

The subject site includes 2.5 acres which is land use planned Residential (5 du/ac), with the remaining .5 acre portion land use planned Commercial. The petitioner is proposing to rezone the west 2.5 acres to RM-5 and the east .5 acre to B-2. Both proposed rezonings are consistent with the existing land use plan designations and compatible with the adjacent existing and planned uses. The petitioner is also proposing to amend the existing declaration of restrictions which restricts the use of the property to a church or religious institution only, to permit those uses permitted within the RM-5, Low Medium Dwelling District. The petitioner is also voluntarily offering to restrict the east .5 acres of the subject site to wetland mitigation only, as this area cannot be used for residential purposes, and Broward County is requiring wetland mitigation for the area.

Staff believes this request is consistent with the Town's Comprehensive Plan, is consistent with adjacent existing and planned uses, and will not be harmful to the welfare of the general public.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** None.

- The Planning and Zoning Board recommended approval subject to the voluntary declaration of restrictions, the conceptual master site plan, and replatting of the subject site, as noted in the planning report (motion carried 4-0, May 10, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve, subject to the voluntary declaration of restrictions and conceptual master plan as noted in the planning report.

**Attachment(s):** Planning report with back-up, land use map, subject site map, and aerial.

**Application #:** ZB 3-1-00

**Revisions:**

**Exhibit "A":**

**Original Report Date:** 5/3/00

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Thanh Pham  
**Address:** 19361 NW 77 Court  
**City:** Hialeah, FL 33015  
**Phone:** (503) 775-4176

**Agent:**

**Name:** Mark Landau  
**Address:** 350 South Ocean Boulevard  
**City:** Boca Raton, FL 33432  
**Phone:** (561) 392-0999

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**BACKGROUND INFORMATION**

**Application Request:** To rezone 2.5 acres of property from CF, Community Facilities District to RM-5, Low Medium Dwelling District, and to rezone .5 acres of property from CF, Community Facilities District to B-2, Community Business District.

**Address/Location:** 5000 SW 82 Avenue/Generally located on the east side of SW 82 Avenue approximately 2000 feet south of Griffin Road.

**Land Use Plan Designation:** The west 2.5 acres is "Residential (5 du/ac)" and the east .5 acres is "Commercial."

**Zoning:** CF, Community Facilities (total site area)

**Existing Use:** Vacant Land

**Proposed Zoning:** RM-5, Low Medium Dwelling District for the west 2.5 acres and B-2, Community Business District for the east .5 acres.

**Proposed Use:** Multi-family residential dwelling units for the west 2.5 acres and wetland mitigation for the east .5 acres.

**Parcel Size:** Total site area 3 acres (130,700 square feet)  
West portion 2.5 acres (108,920 square feet)  
East portion .5 acres (21,780 square feet)

**Surrounding Land Use:**

**Land Use Designation**

**North:** Vacant Land  
**South:** Madison Lakes Townhomes, under construction.

Residential (5 du/ac)  
Residential (5 du/ac)

**East:** Commercial retail building  
**West:** A single-family home associated with an agricultural use.

Commercial  
Residential (3 du/ac)

**Surrounding Zoning:**

**North:** A-1, Agricultural District  
**South:** RM-5, Low Medium Dwelling District  
**East:** B-2, Community Business District  
**West:** A-1, Agricultural District

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**ZONING HISTORY**

**Related Zoning History:** None.

**Previous Requests on same property:** This property was previously rezoned from A-1, Agricultural District to CF, Community Facilities District by the Vietnamese Buddhist Cultural Center in January 1999 (ZB 1-1-99)

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**DEVELOPMENT PLAN DETAILS**

The petitioner is proposing to construct approximately 15 to 18 multi-family residential dwelling units on the subject site, as part of an expansion of the approved Madison Lakes Townhome development directly to the south of the subject site. The petitioner has indicated that they will be seeking a replat to combine the 3 acre subject site with the existing 12.5 acre Madison Lakes site to the south, for a total of 15.5 acres. However, the east .5 acre of the 3 acre subject site has an existing "Commercial" land use designation which prohibits this area from being utilized for residential use. The petitioner has acknowledged this fact and has indicated that this portion of property will be utilized only as a wetland mitigation area, in order to satisfy Broward County environmental requirements. The petitioner is offering a declaration of restrictions to limit the use of this area to wetland mitigation only.

By combining the subject site with the existing Madison Lakes site to the south, the petitioner will be permitted to construct a total of 75 dwelling units on the combined property. The Madison Lakes site plan was approved for 54 dwelling units. The petitioner is proposing 18 units on the subject site, for a total of 72 dwelling units. Therefore, this is consistent with the maximum allowable density under the RM-5 District, should the rezoning be approved. However, this is contingent upon replatting and master site planning of the subject property.

The petitioner also states, the new proposed units will be identical to the existing Madison Lakes Townhomes to the south, which includes unit design for each building cluster, garages, driveways, and landscaping. Access to the newly proposed units will be provided through Madison Lakes property with no new curb cuts proposed off SW 82 Avenue (see attached conceptual plan).

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**Applicable Codes and Ordinances**

Land Development Code Section 12-307, Review for Rezoning.

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## Comprehensive Plan Considerations

**Planning Area:** This property falls within Planning Area 10. This planning area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Commercial development of retail centers and office buildings line the west side of the University Drive corridor. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses of varying scales, a girl scout campground facility, and a private school.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

Should this rezoning be approved, the petitioner will be required to replat this property through the Town of Davie and Broward County in order to utilize the land for residential purposes. Concurrency review, including roadways and utilities infrastructure will be reviewed at the time of replatting.

### **Applicable Goals, Objectives & Policies:**

Future Land Use Policy 4-2: infill shall be encouraged as a means of directing growth to areas already containing essential infrastructure improvements, such as potable water, and sanitary sewer services. Priority shall be given to areas suitable for infill development in the extension of infrastructure.

Future Land Use Policy 6-1: Residential development of moderate to high density should be located in close proximity to arterial roadways, available mass transit, and other community amenities, and should generally be located east of Pine Island Road, unless located adjacent to the S.R. 84/I-595 corridor, or I-75 interchanges.

Future Land Use Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Staff Analysis

The subject site is currently zoned CF, Community Facilities District and is restricted to use as a church and related uses only. However, the existing owner (Vietnamese Buddhist Cultural Center) does not intend to build on this site and has contracted to sell the property to the owner of the existing Madison Lakes Townhome development directly to the south. Therefore, the purpose of this request is to rezone the subject site in order to expand the approved Madison Lakes Townhomes directly to the south of the subject property.

The subject site includes 2.5 acres which is land use planned Residential (5 du/ac), with the remaining .5 acre portion land used Commercial. The petitioner is proposing to rezone the west 2.5 acres to RM-5 and the east .5 acre to B-2. Both proposed rezonings are consistent with the existing land use designations and compatible with the existing adjacent and planned uses. The petitioner is also proposing to amend the existing declaration of restrictions which currently states, "the owner hereby declares and voluntarily covenants and agrees that the property shall be used as a church or religious institution only", to permit those uses permitted within the RM-5, Low Medium Dwelling District. The petitioner is also

as this area cannot be used for residential purposes, and Broward County is requiring wetland mitigation for the area.

This property is currently platted and is restricted to 11,600 square feet of church use and 1,422 square feet of accessory living facility (with church). The petitioner will be required to replat the property to allow for residential use on the property. This will include concurrency review by Broward County for roadways and utilities infrastructure. Staff does not anticipate an increase in traffic above that anticipated under the existing zoning designations.

In conclusion, staff believes this request is consistent with the Town's Comprehensive Plan, is consistent with adjacent existing and planned uses, and will not be harmful to the welfare of the general public.

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## Findings of Fact

### Section 12-309(B)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

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## Staff Recommendation

**Recommendation:** Based upon the above and the overall finding of facts in the positive,

staff recommends **approval** of application no. ZB 3-1-00, subject to the voluntary declaration of restrictions, the conceptual master site plan, and replatting of the subject site, as noted in the planning report.

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### **Planning and Zoning Board Recommendation**

The Planning and Zoning Board recommended approval subject to the voluntary declaration of restrictions, the conceptual master site plan, and replatting of the subject site, as noted in the planning report (motion carried 4-0, May 10, 2000).

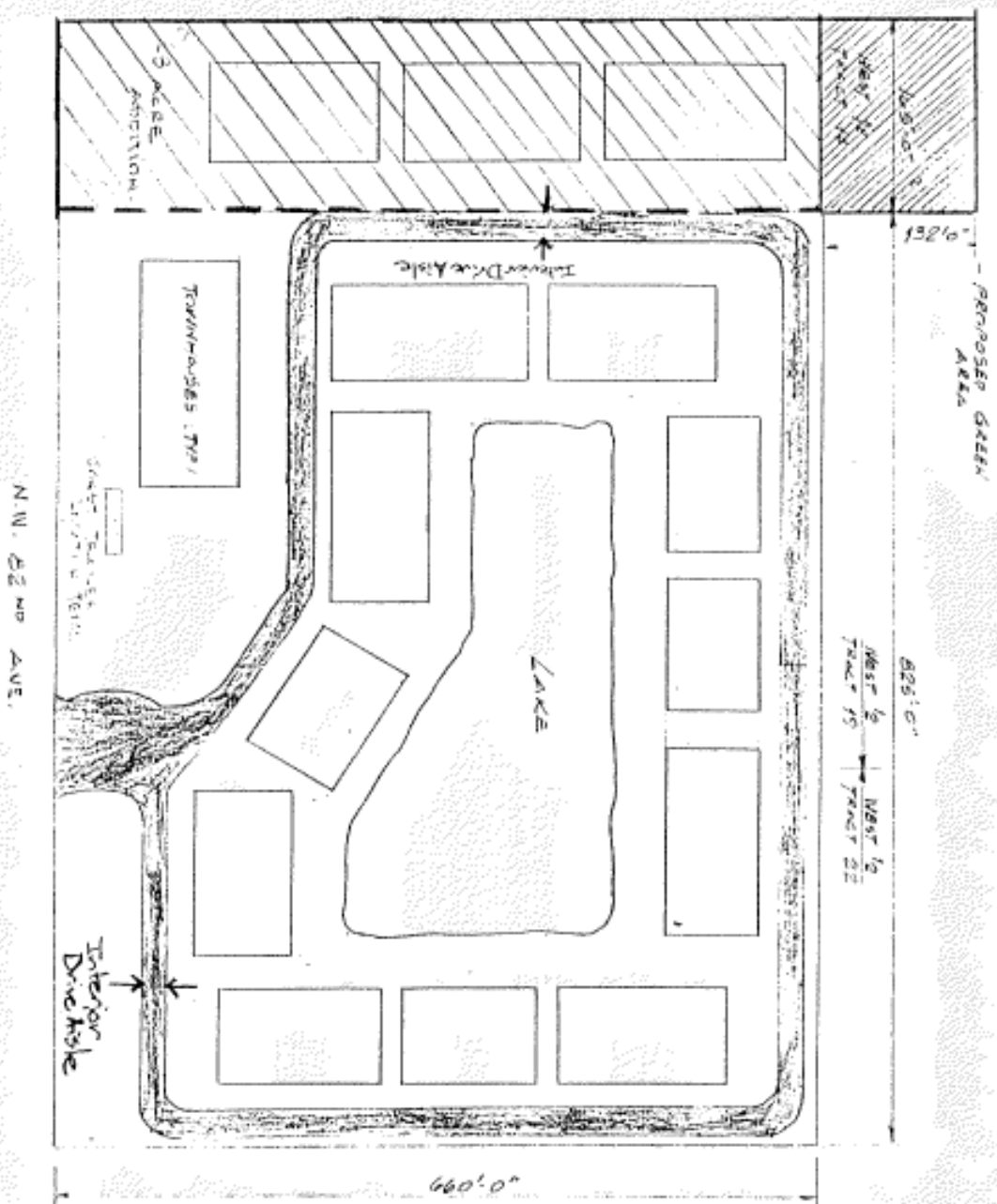
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### **Exhibits**

1. Conceptual Master Site Plan
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

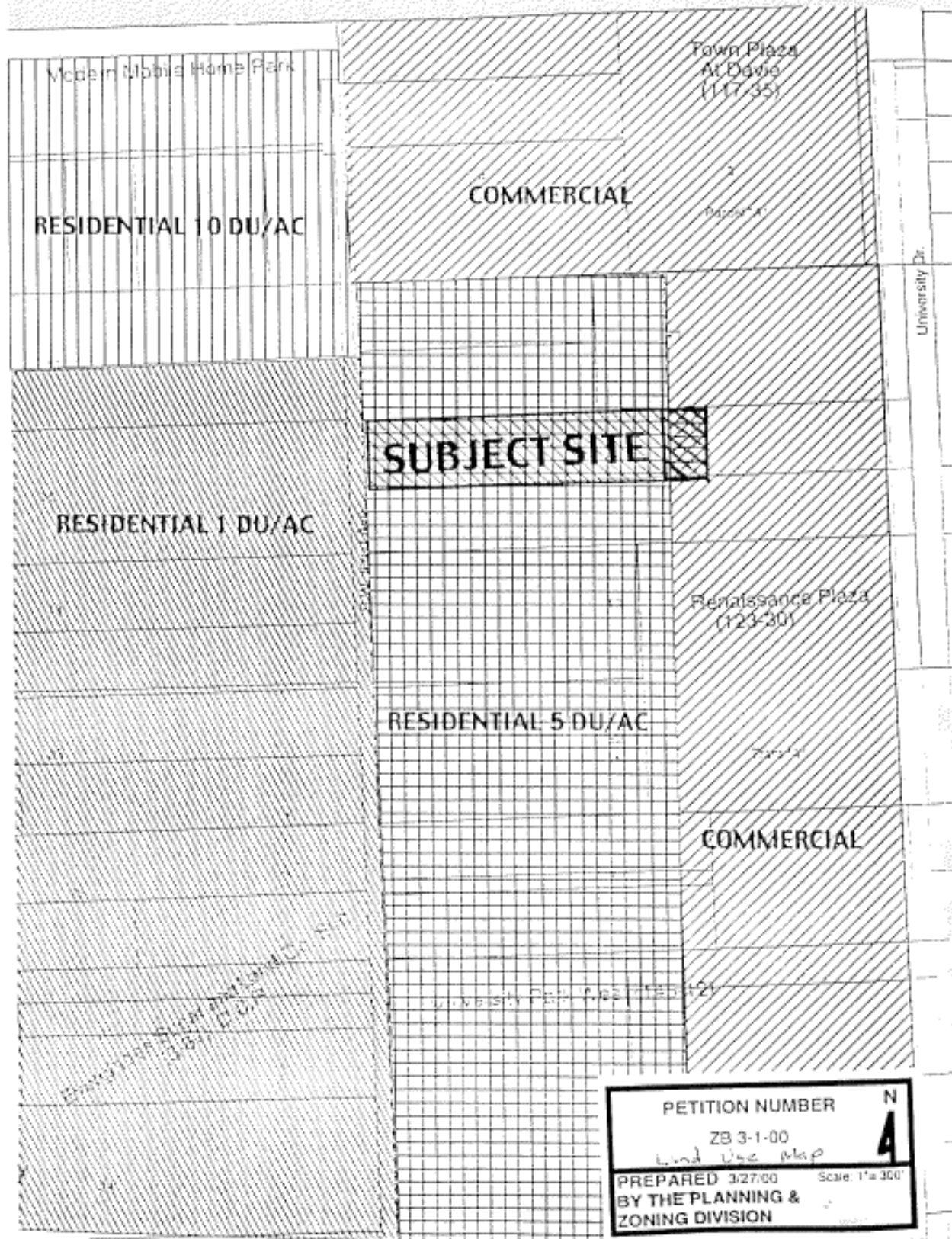


- Legend**
- 3.5 acres currently land used commercial to be rezone to R-2 and restricted to wetland mitigation only
  - 2.5 acres land used residential (old) to be rezone to R-2
  - Existing Madison Lake Township Developer

MADISON LAKES DRIV  
 PLAN, SHOWING THE  
 PROPOSED 3 ACRES  
 ADDITION



N





Modern Mobile Home Park  
**MH-10**

RS

B-3

Town Plaza  
At Davie  
(117-35)  
**B-3**

3

Parcel 'A'

4

10

**A-1**

13

18

**SUBJECT SITE**

**B-2**

**RM-5**

15

Renaissance Plaza  
(123-30)

**B-3**

**RM-5**

22

Tract 'A'

**CF**

25

**A-1**

Everglades Sugar and Land Co. Sub  
(3-67) D.C.R.

**A-1**

34

University Park West (145-12)

**B-3**

PETITION NUMBER  
ZB 3-1-00

N

**4**

PREPARED 3/27/00  
BY THE PLANNING &  
ZONING DIVISION

Scale: 1" = 200'

